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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/796,866 | 03/09/2004 | Stephen W. Steffes | 146-03 | 2681 |

7590 02/24/2005

John F. McNulty at Paul & Paul
2900 Two Thousand Market Street
Philadelphia, PA 19103

EXAMINER


CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------|--------------------------------|--|
|  Office Action Summary | Application No. 10/796,866 | Applicant(s) STEFFES ET AL. | |
| | Examiner Chapman E Jeanette | Art Unit 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by West et al (5853167).

West discloses an adornment for a post comprising:

1. a cap 110 having
 - a. a decorative upper end 120 of a predetermined configuration
 - b. a lower end 120a having a downwardly opening hollow skirt adapted to be disposed over the top of a post to receive the post therein, in close engagement relative thereto; see figures 2 and 5
2. a base ring to be disposed around the lower end of a post vertically spaced from the cap; the base ring is interchangeably used as a cap ring; see figure 5 and the accompanying text; the base ring includes
 - a. a hollow interior
 - b. a vertical opening sized to fit over the post in close engagement
3. a cap ring 114 for disposition around the upper end of the post, below and against the cap 110; the cap ring is interchangeably used as a cap ring; see figure 5 and accompanying text; the cap ring includes

- a. a hollow interior
 - b. a vertical opening sized to fit over the post in close fitting engagement relative thereto
4. The base and the cap ring are identical to each other
5. Both the cap and the cap ring are provided and the hollow interior of the cap ring is sized to receive the skirt of the cap therein in close fitting engagement; see portion adjacent to ref. no. 134
6. the base ring includes an exterior surface has exterior of various widthwise stepped dimensions vertically along the exterior surface; see figure 3A and 5 and accompanying text; the stepped exterior dimensions that reduce in width wise dimension from the top to the bottom when placed on the post.
7. the cap ring includes an exterior surface has exterior of various widthwise stepped dimensions vertically along the exterior surface; see figure 3A and 5 and accompanying text; the stepped exterior dimensions that reduce in width wise dimension from the top to the bottom when placed on the post.
8. The base and cap ring are mounted spaced apart along the post
9. The interior of any one of the skirt of the cap, the base ring and the cap ring are of rectangular configuration in horizontal cross section; see figure 3

Vinyl is a polymer material; the material of construction has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the adornment of any material aiding in fulfilling the intended use, function, purpose and structure of the same.

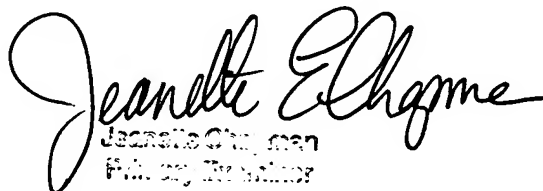
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette E. Chapman
Pat. Exam. Examiner